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RULES AND ARTICLES

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FOR

THE BETTER GOVERNMENT

OF

THE OFFICERS AND SOLDIERS

IN THE SERVICE OF

The United Company of Merchants of England

TRADING TO THE

EAST INDIES,

From the 25th Day of MARCH 1754.

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RULES and ARTICLES

For the better Government of the Officers and Soldiers in the Service of the United Company of Merchants of England *trading to the* East Indies.

SECTION I.

Divine Worship.

GEORGE *R.*

ART. I. Divine Service and Sermon to be frequented.

ALL Officers and Soldiers, not having just Impediment, shall diligently frequent Divine Service and Sermon, in the Places appointed for the as-

sembling of the Regiment, Troop, or Company, to which they belong; such as wilfully absent themselves, or, being present, behave indecently or irreverently, shall, if Commissioned Officers, be brought before a Court-martial, there to be publickly and severely reprimanded by the President; if Non-commissioned Officers, or private Soldiers, every Person so offending shall, for his First Offence, forfeit Twelve-pence, to be deducted out of his next Pay; for the Second Offence, he shall not only forfeit Twelve-pence, but be laid in Irons for Twelve Hours; and for every like Offence, shall suffer and pay in like Manner: Which Money so forfeited, shall be applied to the Use of the sick Soldiers of the Troop or Company to which the Offender belongs.

The Penalty of absenting from Divine Service, and of indecent Behaviour.

1. If Commissioned Officers.

2. If Non-commissioned Officers, or Soldiers.

How the Forfeiture is to be applied.

ART. II.

The Penalty of swearing or Cursing.

Whatsoever Officer or Soldier shall use any unlawful Oath or Execration, shall incur the Penalties expressed in the First Article.

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ART. III. The Penalty of ſpeaking againſt any Article of the Chriſtian Faith.

Whatsoever Officer or Soldier shall presume to speak against any known Article of the Christian Faith, shall be delivered over to the Civil Magistrate, to be proceeded against according to Law.

ART. IV. The Penalty of profaning Churches, or offering Violence to Chaplains or Miniſters.

Whatsoever Officer or Soldier shall prophane any Place dedicated to Divine Worship, or shall offer Violence to a Chaplain of the Army, or to any other Minister of God's Word; he shall be liable to such Penalty or corporal Punishment as shall be inflicted on him by a Court-martial.

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SECT. II.

Mutiny.

ART. I. The Penalty of ſpeaking traiterous or diſreſpectful Words againſt the King, or any of the Royal Family.

WHatsoever Officer or Soldier shall presume to use traiterous or disrespectful Words against the Sacred Person of His Majesty, His Royal Highness the Prince of *Wales*, or any of the Royal

Royal Family; if a Commissioned Officer, he shall be cashiered; if a Non-commissioned Officer or Soldier, he shall suffer such Punishment as shall be inflicted upon him by the Sentence of a Court-martial.

ART. II. The Penalty of difrefpectful Behaviour to the General or Commander in Chief.

Any Officer or Soldier who shall behave himself with Contempt or Disrespect towards the General, or other Commander in Chief of the Forces, or shall speak words tending to his Hurt or Dishonour, shall be punished according to the Nature of his Offence, by the Judgement of a Court-martial.

ART. III. The Penalty of Mutiny;

Any Officer or Soldier who shall begin, excite, cause, or join in, any Mutiny or Sedition, in the Troop, Company, or Regiment to which he belongs, or in any other Troop, or Company in the Service, or on any Party, Post, Detachment, or Guard, on any Pretence whatsoever, shall suffer Death, or such other Punishment as by a Court-martial shall be inflicted.

Any

ART. IV.
and of not suppressing, or the concealing of Mutiny.

Any Officer, Non-commissioned Officer, or Soldier, who being present at any Mutiny or Sedition, does not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny, or intended Mutiny, does not without Delay give Information thereof to his Commanding Officer, shall be punished by a Court-martial with Death, or otherwise, according to the Nature of the Offence.

ART. V.
The Penalty of striking or drawing any Weapon against a superior Officer; or disobeying Orders.

Any Officer or Soldier, who shall strike his superior Officer, or draw, or offer to draw, or shall lift up any Weapon, or offer any Violence against him, being in the Execution of his Office, on any Pretence whatsoever, or shall disobey any lawful Command of his superior Officer, shall suffer Death, or such other Punishment as shall, according to the Nature of his Offence, be inflicted upon him by the Sentence of a Court-martial.

SECT. III.

Musters.

ART. I.

What an Officer must do in order to the Muster.

EVERY Officer commanding a Regiment, Troop, or Company, shall, once in every Month, assemble the Regiment, Troop, or Company, under his Command, in the next convenient Place, for their being mustered or reviewed.

ART. II.

Field Officers residing with the Regiment may grant Furloughs.

Every Colonel or other Field Officer commanding the Regiment, Troop, or Company, and actually residing with it, may give Furloughs to Non-commissioned Officers and Soldiers, in such Numbers, and for so long a Time, as he shall judge to be most consistent with the Good of the Service; but no Non-commissioned Officer or Soldier shall by Leave of his Captain, or inferior Officer commanding the Troop or Company, be absent above Twenty Days in Six Months, nor more than Two private Men be absent at the same Time from their

How long Time a Soldier may be absent, and by what Leave.

their Troop or Company, excepting some extraordinary Occasion should require it, of which Occasion the Officer present with, and commanding the Regiment, Troop, or Company, is to be the Judge.

ART. III.

Commanding Officer to give Certificates of the Time, and Reaſon of the Abſence of any not appearing at Muſter;

At every Muster or Review the Commanding Officer of each Regiment, Troop, or Company, there present, shall give or transmit Certificates signed by himself, signifying how long such Officers who shall not appear at the said Muster have been absent, and the Reason of their Absence; in like Manner the Commanding Officer of every Troop or Company shall give Certificates, signifying the Reasons of the Absence of the Non-commissioned Officers and private Soldiers; which Reasons and Time of Absence shall be inserted in the Muster-rolls opposite to the Names of the respective absent Officers and Soldiers: The said Certificates shall, together with the Muster-rolls, be transmitted with as much Ex-

which are to be inferted in the Mutter-rolls.

The Certificates and Muſter rolls to be remitted to the Preſident

of the Company's Settlements, or the Governor of Saint Helena.

Expedition as the Opportunity of Time, and Distance of Place, can admit, to the President of the said United Company's principal Settlements, or to the Governor of the Island of *Saint Helena* respectively.

ART. IV.

The Penalty of figning falfe Certificates.

Every Officer who shall be convicted before a General Court-martial of having signed a false Certificate, relating to the Absence of either Officer or private Soldier, shall be cashiered.

ART. V.

The Penalty of making falfe Mufters, or figning falfe Mufter-rolls.

Every Officer who shall knowingly make a false Muster of Man or Horse, and every Officer who shall wittingly sign, direct, or allow the signing of the Muster-rolls, wherein such false Muster is contained, shall, upon Proof made thereof by Two Witnesses before a General Court-martial, be cashiered.

ART. VI.

Penalty on the Officer taking Money on a Mufter, or on figning the Mufter-roll.

Any Officer who shall be convicted of having taken Money by way of Gratification on the mustering any Regiment, Troop, or Company, or on the signing the Muster-

Muster-rolls, shall be cashiered or dismissed the Service.

ART. VII.

Penalty of mustering any accustomed to wear a Livery, or not doing Duty as a Soldier.

Any Officer who shall presume to muster any Person as a Soldier, who is at other Times accustomed to wear a Livery, or who does not actually do his Duty as a Soldier, shall be deemed guilty of having made a false Muster, and shall suffer accordingly.

SECT. IV.

Returns.

ART. I.

Penalty on Officer making false Returns.

EVERY Officer who shall knowingly make a false Return to the Commander in Chief of the Forces, or to any Officer authorised to call for such Returns, of the State of the Regiment, Troop, or Company, or Garrison under his Command, or of Arms, Ammunition, Clothing, or other Stores thereunto belonging, shall by a Court-martial be cashiered.

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ART. II.

Penalty of not remitting a Monthly Return to the Commander in Chief, or President of the Settlements, or Governor of Saint Helena.

The Commanding Officer of every Regiment, Troop, or Company, shall, in the Beginning of every Month, remit to the Commander in Chief of the Forces, or to the President of the said United Company's principal Settlements, or the Governor of *Saint Helena* respectively an exact Return of the State of the Regiment, Troop, or Company under his Command, specifying the Names of the Officers not then residing at their Posts, and the Reason for, and Time of, their Absence: Whoever shall be convicted of having, through Neglect or Design, omitted the sending such Returns, shall be punished according to the Nature of his Crime by the Judgement of a General Court-martial.

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SECT. V.

Desertion.

ART. I. The Penalty of Defertion.

ALL Officers and Soldiers, who having received Pay, or having been duly inlisted in the Service, shall be convicted of having deserted the same, shall suffer Death, or such other Punishment as by a Court-martial shall be inflicted.

ART. II. Soldiers abfenting from their Company, or Detachment, without Leave, to be punifhed at the Difcretion of a Court-martial.

Any Non-commissioned Officer or Soldier, who shall, without Leave from his Commanding Officer, absent himself from his Troop or Company, or from any Detachment with which he shall be commanded, shall, upon being convicted thereof, be punished according to the Nature of his Offence, at the Discretion of a Court-martial.

ART. III. Penalty of inlifting in other Regiments, without a Difcharge from the former Regiment.

No Non-commissioned Officer or Soldier shall inlist himself in any other Regiment, Troop, or Company, without a regular Discharge from the Regiment, Troop, or Company,

pany, in which he last served, on Penalty of being reputed a Deserter, and suffering accordingly:

Penalty on Officers entertaining, and not confining such as Deserters.

And in case any Officer shall knowingly receive and entertain such Non-commissioned Officer or Soldier, or shall not, after his being discovered to be a Deserter, immediately confine him, and give Notice thereof to the Corps in which he last served, he the said Officer so offending shall by a Court-martial be cashiered.

ART. IV.

The Penalty of persuading any one to desert.

Whatsoever Officer or Soldier shall be convicted of having advised or persuaded any other Officer or Soldier to desert the Service, shall suffer such Punishment as shall be inflicted upon him by the Sentence of a Court-martial.

SECT.

SECT. VI.

Quarrels and sending Challenges.

ART. I.

The Penalty of provoking Speech or Action.

NO Officer or Soldier shall use any reproachful or provoking Speeches or Gestures to another, upon Pain, if an Officer, of being put in Arrest; if a Soldier, imprisoned, and of asking Pardon of the Party offended, in the Presence of his Commanding Officer.

ART. II.

The Penalty of sending a Challenge.

No Officer or Soldier shall presume to send a Challenge to any other Officer or Soldier to fight a Duel, upon Pain, if a Commissioned Officer, of being cashiered; if a Non-commissioned Officer or Soldier, of suffering corporal Punishment, at the Discretion of a Court-martial.

ART. III.

The Penalty if an Officer suffer any to go out to fight a Duel.

If any Commissioned or Non-commissioned Officer commanding a Guard shall willingly and knowingly suffer any Person whatsoever

to

to go forth to fight a Duel, he shall be punished as a Challenger: And likewise all Seconds, Promoters, and Carriers of Challenges, in order to Duels, shall be deemed as Principals, and be punished accordingly.

The Seconds carrying Challenges shall be reputed as Principals.

ART. IV.

All Officers have Power to part Frays.

All Officers, of what Condition soever, have Power to part and quell all Quarrels, Frays, and Disorders, though the Persons concerned should belong to another Regiment, Troop, or Company, and either to order Officers into Arrest, or Non-commissioned Officers or Soldiers to Prison, till their proper superior Officers shall be acquainted therewith; and whosoever shall refuse to obey such Officer, (though of an inferior Rank), or shall draw his sword upon him, shall be punished at the Discretion of a General Court-martial.

Penalty of resisting.

ART. V.

Penalty for upbraiding any for refusing a Challenge.

Whatsoever Officer or Soldier shall upbraid another for refusing a Challenge, shall himself be punished as a Challenger; and We hereby acquit and discharge all Officers and

Soldiers of any Disgrace, or Opinion of Disadvantage, which might arise from their having refused to accept of Challenges, as they will have only acted in Obedience to Our Orders, and done their Duty as good Soldiers, who subject themselves to Discipline.

SECT. VII.

Suttling.

ART. I. Suttlers not to sell any Thing after Nine at Night, or before the Reveilles, or upon Sundays during Divine Service.

NO Suttler shall be permitted to sell any Kind of Liquors or Victuals, or to keep their Houses or Shops open, for the Entertainment of Soldiers, after Nine at Night, or before the Beating of the Reveilles, or upon *Sundays*, during Divine Service or Sermon, on the Penalty of being dismissed from all future Suttling.

ART. II. Liberty given for bringing Provisions into Garrisons, &c.

All Officers, Soldiers, and Suttlers, shall have full Liberty to bring into any of the Forts or Garrisons,

Garrisons, any Quantity or Species of Provisions, eatable or drinkable, except where any Contract or Contracts are or shall be entered into for furnishing such Provisions, and with respect only to the Species of Provisions so contracted for.

ART. III. Commanding Officers are to see the Soldiers supplied with Provisions at the Market Price.

All Officers commanding in the Forts, Barracks, or Garrisons, are hereby required to see, that the Persons permitted to suttle shall supply the Soldiers with good and wholesome Provisions, at the Market Price, as they shall be answerable for their Neglect.

ART. IV. Penalty of exacting in the letting out of Stalls to Suttlers, or laying a Duty on, or being interested in, the Goods sold by them.

No Officers commanding in any of the Garrisons, Forts, or Barracks, shall either themselves exact exorbitant Prices for Houses or Stalls let out to Suttlers, or shall connive at the like Exactions in others; nor by their own Authority, and for their private Advantage, shall they lay any Duty or Imposition upon, or be interested in the Sale of such Victuals, Liquors, or other Necessaries of Life, which are brought

into

into the Garrison, Fort, or Barrack, for the Use of the Soldiers, on the Penalty of being discharged from the Service.

SECT. VIII.

Of Crimes punishable by Law.

ART. I.

Commanding Officers are, upon Application, to use their utmost Endeavours to deliver over to the Civil Magistrate any Officer, Non-commission Officer, or Soldier, accused of Crimes punishable by the known Laws of the Land;

WHenever any Officer or Soldier shall be accused of a Capital Crime, or of having used Violence, or committed any Offence against the Persons or Property of Our Subjects, such as is punishable by the known Laws of the Land, the Commanding Officer and Officers of every Regiment, Troop, Company, or Party, to which the Person or Persons so accused shall belong, are hereby required, upon Application duly made by or in Behalf of the Party or Parties injured, to use his utmost Endeavours to

to deliver over such accused Person or Persons to the Civil Magistrate; and likewise to be aiding and assisting to the Officers of Justice, in apprehending and securing the Person or Persons so accused, in order to bring him or them to a Trial. If any Commanding Officer or Officers shall wilfully neglect, or shall refuse, upon the Application aforesaid, to deliver over such accused Person or Persons to the Civil Magistrate, or to be aiding to the Officers of Justice in apprehending such Person or Persons, the Officer or Officers so offending shall be cashiered.

and to be aiding to the Officers ot Justice in securing such Offender;

and upon wilful Neglect or Refusal, to be cashiered.

ART. II.

The Penalty if an Officer protect any from his Creditors.

No Officer shall protect any Person from his Creditors on the Pretence of his being a Soldier: Any Officer offending herein, being convicted thereof before a Court-martial, shall be cashiered.

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SECT. IX.

Of redressing Wrongs.

ART. I. What an Officer, &c. must do, if he thinks himself wronged.

IF any Commissioned Officer, or inferior Officer or Soldier, shall think himself wronged by his Superior, or other Officer, he is to complain thereof to the Commanding Officer of the Regiment, Troop, or Company, who is hereby required to summon a Court-martial for the doing Justice to the Complainant.

SECT. X.

Of Stores, Ammunition, &c.

ART. I. Penalty of Officer selling Military Stores without Order; or embezzling, or misapplying them, or suffering them to be damaged by Neglect.

WHatsoever Commissioned Officer, Storekeeper, or Commissary, shall be convicted at a General Court-martial of having sold, (without a proper Order for that Purpose), embezzled, misapplied, or wilfully, or through Neglect, suffered

suffered any of the Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores committed to his Charge, to be spoiled or damaged, the said Officers, Storekeeper, or Commissary so offending, shall, at his own Charge, make good the Loss or Damage, and be dismissed from the Service.

ART. II.

The Penalty of wasting Ammunition delivered out for the Service.

Whatsoever Non-commissioned Officer or Soldier shall be convicted at a Regimental Court-martial of having sold, or designedly, or through Neglect, wasted the Ammunition delivered out to him to be employed in the Service, shall, if a Non-commissioned Officer, be reduced to a private Centinel, and shall besides suffer corporal Punishment, in the same Manner as a private Centinel so offending, at the Discretion of a Regimental Court-martial.

ART. III.

The Penalty if a Soldier sell or spoil his Arms, &c.

Every Non-commissioned Officer or Soldier who shall be convicted at a Court-martial of having sold or lost, or spoiled, through his Neglect, his

his Horse, Arms, Clothes, or Accoutrements, shall undergo such Weekly Stoppages (not exceeding the Half of his Pay) as a Court-martial shall judge sufficient for repairing the Loss or Damage; and shall suffer Imprisonment, or such other corporal Punishment, as his Crime shall deserve.

ART. IV.

The Captain to be accountable for the Arms, &c. of his Company.

Every Captain, or Commanding Officer of a Troop or Company, is charged with the Arms, Ammunition, Accoutrements, Clothing, or other warlike Stores belonging to the Troop or Company under his Command, which he is to be accountable for in case of their being lost, spoiled, or damaged, not by unavoidable Accidents, or on actual Service.

SECT. XI.

Of Duties in Quarters, in Garrison, or in the Field.

ART. I.

The Penalty if a Non-commissioned Officer or Soldier be found one Mile from the Camp without Leave in Writing.

ALL Non-commissioned Officers and Soldiers who shall be found One Mile from the Camp without Leave in Writing from their Commanding Officer, shall suffer such Punishment as shall be inflicted upon them by the Sentence of a Court-martial.

ART. II.

The Penalty of lying all Night out of Camp or Quarters.

No Officer or Soldier shall lie out of his Quarters, Garrison, or Camp, without Leave from his superior Officer, upon the Penalty of being punished according to the Nature of his Offence by the Sentence of a Court-martial.

ART. III.

The Penalty if a Non commissioned Officer or Soldier do not retire to his Quarters at the Beating of the Retreat.

Every Non-commissioned Officer and Soldier shall retire to his Quarters or Tent at the Beating of the Retreat; in Default of which, he shall be punished according to the Nature of his Offence, by the Commanding Officer.

No

ART. IV.

The Penalty if an Officer, &c. does not repair at the Time fixed to the Parade of Exercise, or other Rendezvous; or of quitting his Guard, &c. without being dismissed or relieved.

No Officer, Non-commissioned Officer, or Soldier, shall fail of repairing, at the Time fixed, to the Place of Parade of Exercise, or other Rendezvous appointed by his Commanding Officer, if not prevented by Sickness, or some other evident Necessity; or shall go from the said Place of Rendezvous, or from his Guard, without Leave from his Commanding Officer, before he shall be regularly dismissed or relieved, on the Penalty of being punished according to the Nature of his Offence, by the Sentence of a Court-martial.

ART. V.

The Penalty of Drunkenness.

Whatever Commissioned Officer shall be found drunk on his Guard, Party, or other Duty, under Arms, shall be cashiered for it; any Non-commissioned Officer or Soldier, so offending, shall suffer such corporal Punishment as shall be inflicted by the Sentence of a Court-martial.

ART. VI.

Penalty if a Centinel be found sleeping

Whatever Centinel shall be found sleeping upon his Post, or shall leave it before he shall be regularly relieved,

on his Post, or of quitting it before he is relieved.

relieved, shall suffer Death, or such other Punishment as shall be inflicted by the Sentence of a Court-martial.

ART. VII.

The Penalty if a Soldier hire another to do his Duty.

No Soldier shall hire another to do his Duty for him, or be excused from Duty, but in case of Sickness, Disability, or Leave of Absence; and every such Soldier found guilty of hiring his Duty, as also the Party so hired to do another's Duty, shall be punished at the next Regimental Court-martial.

ART. VIII.

The Penalty of an Officer's conniving at the Hiring of Duty.

And every Non-commissioned Officer conniving at such Hiring of Duty as aforesaid, shall be reduced for it; and every Commissioned Officer, knowing and allowing of such ill Practices in the Service, shall be punished by the Judgement of a General Court-martial.

ART. IX.

The Penalty of making false Alarms in Camp or Quarters.

Any Person belonging to the Forces, who, by discharging of Fire Arms, drawing of Swords, beating Drums, or by any other Means whatsoever, shall occasion

false

false Alarms, in Camp, Garrison, or Quarters, shall be punished at the Discretion of a Court-martial.

ART. X.

The Penalty if an Officer or Soldier shall quit his Pelatoon or Division.

Any Officer or Soldier, who shall, without urgent Necessity, or without the Leave of his superior Officer, quit his Pelatoon or Division, shall be punished according to the Nature of his Offence by the Sentence of a Court-martial.

ART. XI.

The Penalty of doing Violence to any who bring Provisions to the Camp or Quarters.

No Officer or Soldier shall do Violence to any Person who brings Provisions or other Necessaries to the Camp, Garrison, or Quarters of the Forces, on Pain of being punished at the Discretion of a Court-martial.

ART. XII.

The Penalty of misbehaving before the Enemy, &c.

Whatsoever Officer or Soldier shall misbehave himself before the Enemy, or shamefully abandon any Post committed to his Charge, or shall speak Words inducing others to do the like, shall suffer Death.

ART. XIII.

The Penalty of running away from the Enemy;

Whatever Officer or Soldier shall misbehave himself before the Enemy, and run away, or shamefully abandon

abandon any Fort, Post, or Guard, which he or they shall be commanded to defend, or speak Words inducing others to do the like; or who, after Victory, shall quit his Commanding Officer, or Post, to plunder and pillage; every such Offender, being duly convicted thereof, shall be reputed a Disobeyer of Military Orders; and shall suffer Death, or such other Punishment as by a General Court-martial shall be inflicted on him.

or speaking Words to induce others to do the like; or of Plundering.

ART. XIV.

The Penalty of casting away Arms or Ammunition.

Any Person belonging to the Forces, who shall cast away his Arms or Ammunition, shall suffer such Punishment as shall be ordered by the Sentence of a Court-martial.

ART. XV.

The Penalty of making known the Watch-word, or giving a false one.

Any Person belonging to the Forces who shall make known the Watch-word to any Person who is not entitled to receive it according to the Rules and Discipline of War, or shall presume to give a Parole or Watch-word different from what he received, shall suffer such

such Punishment as shall be ordered by the Sentence of a Court-martial.

ART. XVI.

Officers and private Men are to be orderly in Quarters, and on their March.

The Penalty of spoiling the Property of any Person, unless by Order to annoy the Enemy.

All Officers and Soldiers are to behave themselves orderly in Quarters, and on their March; and whosoever shall commit any Waste or Spoil, either in Walks of Trees, Parks, Warrens, Fish-ponds, Houses, or Gardens, Corn-fields, Enclosures or Meadows, or shall maliciously destroy any Property whatever, unless by Order of the then Commander in Chief of the Forces (where the Service may require it), he or they that shall be found guilty of offending herein shall be punished according to the Nature and Degree of the Offence, by the Judgement of a Court-martial.

ART. XVII.

The Penalty of relieving or harbouring an Enemy.

Whosoever shall relieve the Enemy with Money, Victuals, or Ammunition, or shall knowingly harbour or protect an Enemy, shall fuffer such Punishment as by a Court-martial shall be inflicted.

Who-

ART. XVIII.

The Penalty of holding Correfpondence with, or giving Intelligence to, the Enemy.

Whosoever shall be convicted of holding Correspondence with, or giving Intelligence to the Enemy, either directly or indirectly, shall suffer Death, or such Punishment as by a Court-martial shall be inflicted.

ART. XIX.

Publick Stores to be fecured for the Service.

All Publick Stores taken in the Enemies Camp, Towns, Forts, or Magazines, whether of Artillery, Ammunition, Clothing, Forage, or Provisions, shall be secured for the Service.

ART. XX.

The Penalty of going in Search of Plunder.

If any Officer or Soldier shall leave his Post or Colours to go in Search of Plunder, he shall, upon being convicted thereof before a Court-martial, suffer Death, or such other Punishment as by a Court-martial shall be inflicted.

ART. XXI.

The Penalty of compelling the Commandant of any Fortrefs or a Poft, to give it up to the Enemy.

If the Governor or Commander of any Garrison, Fortress, or Post, shall be compelled by the Officers and Soldiers under his Command to give it up to the Enemy, or to abandon it, the Commissioned Officers, Non-commissioned Officers,

or

or Soldiers, who shall be convicted of having so offended, shall suffer Death, or such other Punishment as may be inflicted upon them by the Sentence of a Court-martial.

ART. XXII. Suttlers and Retainers to the Camp to be subject to Military Orders.

All Suttlers and Retainers to a Camp, and all Persons whatsoever serving with the Forces in the Field, though no inlisted Soldiers, are to be subject to Orders, according to the Rules and Discipline of War.

ART. XXIII. Brevets.

Officers having Brevets, or Commissions of a prior Date to those of the Regiment in which they now serve, may take Place in Courts-martial, and on Detachments, when composed of different Corps, according to the Ranks given them in their Brevets, or Dates of their former Commissions; but in the Regiment, Troop, or Company, to which such Brevet Officers, and those who have Commissions of a prior Date, do belong, they shall do Duty, and take Rank both on Courts-martial and on Detachments

ments which shall be composed only of their own Corps, according to the Commissions by which they are mustered in the said Corps.

SECT. XII.

Administration of Justice.

ART. I. General Court-martial in the East Indies.

A General Court-martial in the *East Indies* shall not consist of less than Nine Commissioned Officers; and the President of such Court-martial shall not be the Commander in Chief, or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Captain.

ART. II. General Court martial in the Island of St. Helena.

A General Court-martial in the Island of *Saint Helena* shall not consist of less than Five Commissioned Officers, and the President of such Court-martial shall not be the Commander in Chief, or Governor of the Garrison, where the Offender shall be tried, nor under the Degree of a Lieutenant.

The

ART. III.

Members of Court-martial are to take the same Rank at their Sittings as they hold in the Army.

The Members both of General and Regimental Courts-martial shall, when belonging to different Corps, take the same Rank which they hold in the Army; but when Courts-martial shall be composed of Officers of One Corps, they shall take their Ranks according to the Dates of the Commissions by which they are mustered in the said Corps.

Exception.

ART. IV.

Judge Advocate is to prosecute and administer the Oaths.

The Person officiating as Judge Advocate shall prosecute in His Majesty's Name; and in all Trials of Offenders by General Courts-martial, administer to each Member the following Oaths:

The Oaths to be administered to the Members of the Court.

YOU shall well and truly try and determine, according to your Evidence, in the Matter now before you, between our Sovereign Lord the King's Majesty, and the Prisoner to be tried.

I A. B. *do swear, That I will duly administer Justice according to the Rules and Articles for the*

the better Government of the Officers and Soldiers in the Service of the United Company of Merchants of England *trading to the* East Indies, *and according to an Act of Parliament now in Force for the Punishment of Mutiny and Desertion of Officers and Soldiers in the Service of the United Company of Merchants of* England *trading to the* East Indies, *and for the Punishment of Offences committed in the* East Indies, *or at the Island of* Saint Helena, *without Partiality, Favour, or Affection; and if any Doubt shall arise, which is not explained by the said Articles or Act of Parliament, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases. And I do further swear, That I will not divulge the Sentence of the Court, until it shall be approved by the General or Commander in Chief, or the Person or Persons by whose Warrant or Authority the Court-martial shall be held; neither*

neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof, as a Witness, by a Court of Justice, in due Course of Law.

And so soon as the said Oath shall have been administered to the respective Members, the President of the Court shall administer to the Judge Advocate, or the Person officiating as such, an Oath, in the following Words: The Judge-advocate to be ſworn.

I A. B. *do swear, That I will not, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof, as a Witness, by a Court of Justice, in due Course of Law.* The Oath.

ART. V.

Decency to be obferved in Courts; and the youngeft to give his Vote firft.

All the Members of a Court-martial are to behave with Decency; and in the giving of their Votes, are to begin with the youngest.

ART. VI.

Rules to be obferved in the Proceedings of a General Court-martial.

All Persons who give Evidence before a General Court-martial are to be examined upon Oath; which Oath the said General Court-martial is hereby required and impowered to administer to every Witness, in order to the Examination or Trial of any of the Offences that shall come before them; and no Sentence of Death shall be given against any Offender by any General Court-martial, unless Two Thirds of the Officers present (or Four, where the General Court-martial consists of no more than Five) shall concur therein.

ART. VII.

Rules to be obferved in the Trial of Field Officers.

No Field Officer shall be tried by any Person under the Degree of a Captain; nor shall any Proceedings or Trial be carried on excepting between the Hours of Eight in the Morning and of Three in the Afternoon,

Afternoon, except in Cases which require an immediate Example.

ART. VIII. Rules to be observed before Execution of the Sentence of a General Court-martial.

No Sentence of a General Court-martial shall be put in Execution till after a Report shall be made of the whole Proceedings to the General or Commander in Chief, or the Person or Persons by whose Warrant or Authority the Court-martial shall be held, and his or their Directions shall be signified thereupon.

ART. IX. Rules to be observed in composing the Members of Courts-martial.

For the more equitable Decision of Disputes which may arise between Officers and Soldiers belonging to different Corps, We direct, That the Courts-martial shall be equally composed of Officers belonging to the Corps in which the Parties in Question do then serve; and that the Presidents shall be taken by Turns, beginning with that Corps which shall be eldest in Rank.

ART. X. Every Regiment may hold a Regimental

X The Commissoned Officers of every Regiment, Troop, or Company, may, by the Appointment of

Court-martial for Trial of leſſer Offences.

of their Commanding Officer, hold Regimental Courts-martial for the enquiring into such Disputes, or Criminal Matters, as may come before them, and for inflicting corporal Punishments for small Offences, and shall give Judgement by the Majority of Voices; but no Sentence shall be executed till the Commanding Officer (not being a Member of the Court-martial), or the Governor of the Garrison, shall have confirmed the same.

ART. XI.

Rules to be obſerved in Regimental Courts-martial.

No Regimental Court-martial shall consist of less than Five Officers, (excepting in Cases where that Number cannot be conveniently assembled, when Three may be sufficient); who are likewise to determine upon the Sentence by the Majority of Voices; which Sentence is to be confirmed by the Commanding Officer, not being a Member of the Court-martial.

ART. XII.

Officers commanding in Forts or Bar-

Every Officer commanding in any of the Forts, Castles, or Barracks, or elsewhere, where the Corps

Corps under his Command consists of Detachments from different Regiments, Troops, or of Companies, may assemble Courts-martial for the Trial of Offenders in the same Manner as if they were Regimental, whose Sentence is not to be executed till it shall be confirmed by the said Commanding Officer.

racks, may appoint Regimental Courts-martial.

ART XIII.

The Penalty of menacing Words, Gestures, or Disturbances before a Court-martial.

No Person whatsoever shall use menacing Words, Signs, or Gestures, in the Presence of a Court-martial then sitting, or shall cause any Disorder or Riot, so as to disturb their Proceedings, on the Penalty of being punished at the Discretion of the said Court-martial.

ART. XIV.

How a Commanding Officer is to proceed when an Officer is put in Arreſt, or Soldier committed to Cuſtody.

To the End that Offenders may be brought to Justice, We hereby direct, That whenever any Officer or Soldier shall commit a Crime deserving Punishment, he shall, by his Commanding Officer, if an Officer, be put in Arrest; if a Non-commissioned Officer or Soldier, be imprisoned till he shall be

either tried by a Court-martial, or shall be lawfully discharged by a proper Authority.

ART. XV. The Time limited for Confinement.

No Officer or Soldier, who shall be put in Arrest or imprisoned, shall continue in his Confinement more than Eight Days, or till such Time as a Court-martial can be conveniently assembled.

ART. XVI. Officer of the Guard, or Provost-martial, to receive Prisoners.

No Officer commanding a Guard, or Provost-martial, shall refuse to receive or keep any Prisoner committed to his Charge, by any Officer belonging to the Forces; which Officer shall, at the same Time, deliver an Account in Writing, signed by himself, of the Crime with which the said Prisoner is charged.

ART. XVII. The Penalty if an Officer, or Provost-martial, release a Prisoner without Orders.

No Officer commanding a Guard, nor Provost-martial, shall presume to release any Prisoner committed to his Charge, without proper Authority for so doing; nor shall he suffer any Prisoner to escape, on the Penalty of being punished for it by the Sentence of a Court-martial.

Every

ART. XVIII.

Prisoners Names and Crimes to be returned within 24 Hours.

Every Officer or Provost-martial, to whose Charge Prisoners shall be committed, is hereby required, within Twenty-four Hours after such Commitment, or as soon as he shall be relieved from his Guard, to give in Writing to the Commanding Officer of the Regiment, Troop, or Company, to whom each Prisoner belongs, their Names, their Crimes, and the Names of the Officers who committed them, and where the Prisoner is confined, on the Penalty of his being punished for his Disobedience or Neglect, at the Discretion of a Court-martial.

ART. XIX.

The Penalty if an Officer break his Arrest.

And if any Officer under Arrest shall leave his Confinement before he is set at Liberty by the Officer who confined him, or by a superior Power, he shall be cashiered for it.

ART. XX.

Officers convicted of ill Behaviour to be cashiered.

Whatsoever Commissioned Officer shall be convicted before a General Court-martial, of behaving in a scandalous infamous Manner, such as is unbecoming the Character

racter of an Officer and a Gentleman, shall be discharged from the Service.

SECT. XIII.

Effects of the Dead.

ART. I.

The Officer commanding the Regiment, &c. to take care of an Officer's Effects when he dies;

WHEN any Commissioned Officer shall happen to die, or be killed in the Service, the Officer commanding the Regiment, Troop, or Company, to which he did belong, shall immediately secure all his Effects or Equipage then in Camp or in Quarters; and shall, before the next Regimental Court-martial, make an Inventory thereof, to the End that his Executors may, after Payment of his Debts and Quarters, and Interment, receive the Overplus, if any be, to his or their Use.

ART. II.

and alſo of the Effects of a Non-commiſſioned Officer or Soldier.

When any Non-commissioned Officer or private Soldier shall happen to die, or be killed in the Service,

Service, the then Commanding Officer of the Troop or Company shall, in the Presence of Two other Commissioned Officers, take an Account of whatever Effects he dies possessed of, above his Uniform Clothing, Arms, and Accoutrements; which said Effects are to be accounted for to his lawful Heirs, as is above directed.

SECT. XIV.

Artillery.

ART. I. These Rules to be observed by the Officers and others of the Trains of Artillery.

ALL Officers, Conductors, Gunners, Matrosses, Drivers, or any other Persons whatsoever receiving Pay or Hire in the Service of the Artillery, shall be governed by the aforesaid Rules or Articles, and shall be subject to be tried by Courts-martial, in like Manner with the Officers and Soldiers of the other Troops.

For

ART. II.

Courts-martial to be held by them.

For Differences arising amongst themselves, or in Matters relating solely to their own Corps, the Courts-martial may be composed of their own Officers; but where a Number sufficient of such Officers cannot be assembled, or in Matters wherein other Corps are interested, the Officers of Artillery shall sit in Courts-martial with the Officers of the other Corps, taking Rank according to the Dates of their respective Commissions, and no otherwise.

SECT. XV.

Relating to the foregoing Articles.

ART. I.

Thefe Articles to be read Once in every Two Months.

THE aforegoing Articles are to be read and published Once in every Two Months, at the Head of every Regiment, Troop, or Company, mustered, or to be mustered, in the Service; and are to

to be duly observed, and exactly obeyed, by all Officers and Soldiers who are or shall be in the Service.

ART. II. Crimes not Capital, prejudicial to Order and Discipline, cognizable and punishable by Courts-martial.

All Crimes not Capital, and all Disorders or Neglects which Officers and Soldiers may be guilty of, to the Prejudice of good Order and Military Discipline, (though not mentioned in the above Articles of War), are to be taken Cognizance of by a Court-martial, and to be punished at their Discretion.

ART. III. The foregoing Rules to be observed by His Majesty's Land Forces sent to the East Indies.

And it is Our further Will and Pleasure, That whenever any of Our Land Forces shall be sent into the *East Indies*, they shall, whilst employed there, duly observe and obey the foregoing Rules and Articles for the better Government of the Officers and Soldiers in the Service of the United Company of Merchants of *England* trading to the *East Indies*; and be subject to the Pains and Penalties

therein

therein specified for Crimes or Offences against the same.

ART. IV.

Officers, on Duty, of the King's Forces to command and take Post of the Company's Officers.

The Officers of Our said Land Forces so employed in the *East Indies*, are on all Detachments, Courts-martial, or other Duty, wherein they may be joined with Officers of the said United Company, to command and take Post of the said United Company's Officers, though the Commissions of the said Company's Officers of the like Rank, should be of elder Dates.

ART. V.

Commander in Chief to appoint Courts-martial for Trial of Capital and other Offences, where there is no Court of Civil Judicature.

Whenever any of the Troops shall be employed, where there is no Court of Civil Judicature, the Officer commanding in Chief having the Warrant or Power of appointing General Courts-martial, shall order any Person of the said Troops, who may be guilty of wilful Murder, Theft, Robbery, Rapes, Coining, or Clipping the current Coin of the Country where they may be, or of any other Capital Crime or Offence, to be tried by such

such General Court-martial, and be punished with Death, or otherwise according to the Sentence of the Court. And whenever any of Our Forces shall be employed in the *East Indies*, the Officer commanding in Chief shall appoint General Courts-martial for trying and punishing Offenders in Our said Forces, who may be guilty of the aforementioned Crimes, in the Manner above directed.

In the East Indies, Commander in Chief to appoint Courts-martial for like Offences.

All Officers shall take
precedence according
to the date of their
commission whether they be H.M. or the
H.E.I. Companies —

INDEX.

INDEX.

			Page
SECT.	I.	*Divine Worship*	3
	II.	*Mutiny*	5
	III.	*Musters*	8
	IV.	*Returns*	11
	V.	*Desertion*	13
	VI.	*Quarrels and sending Challenges*	15
	VII.	*Suttling*	17
	VIII.	*Of Crimes punishable by Law*	19
	IX.	*Of Redressing Wrongs*	21
	X.	*Of Stores, Ammunition, &c.*	ibid.
	XI.	*Of Duties in Quarters, in Garrison, or in the Field*	24
	XII.	*Administration of Justice*	32
	XIII.	*Effects of the Dead*	42
	XIV.	*Artillery*	43
	XV.	*Relating to the foregoing Articles*	44

FINIS.